

**REMARKS**

By this amendment, claims 1-14, 16-38, and 40-50 are pending, in which claims 15 and 39 are canceled without prejudice or disclaimer and claims 1, 16-18, 26, 40-42, and 50 are currently amended. No new matter is introduced.

The Office Action mailed August 3, 2005 rejected claims 1-50 under 35 USC § 112, first paragraph, as failing to comply with the enablement requirement. Additionally, the Office Action rejected claims 1-50 under 35 USC § 112, second paragraph. Further, the Office Action rejected claims 1-2, 4-10, 15-17, 22-27, 29-35, 39-41, and 46-49 under 35 U.S.C. § 102(e) as anticipated by *Alles et al.* (U.S. 6,466,976), claims 19-21 and 43-45 as obvious under 35 U.S.C. § 103(a) based on *Alles et al.*, claims 12-14, 18, 37-38, and 42 as obvious under 35 U.S.C. § 103(a) based on *Alles et al.* in view of *Gai et al.* (U.S. 6,167,445), claims 11 and 36 under 35 U.S.C. § 103(a) based on *Alles et al.* in view of *Natarajan et al.* (U.S. 6,505,244), and claims 3, 28, and 50 under 35 U.S.C. § 103(a) based on *Alles et al.* in view of *Amara et al.* (U.S. 6,674,743). Applicants respectfully traverse the rejections of all pending claims.

In the interest of advancing prosecution, independent claim 1 has been amended to recite, “a control interface through which said packet header filter and said forwarding table are programmed,” independent claim 26 has been amended to recite, “programming said programmable access device through a control interface of said programmable access device,” and independent claim 50 has been amended to recite, “a control interface through which said first packet header filter is programmed.” Claims 15 and 39 have been canceled, and claims 16-18 and 40-42 have been correspondingly amended to resolve dependencies on the canceled claims.

With regard to the rejection of claims 1-50 under 35 USC § 112, first paragraph, as failing to comply with the enablement requirement, the Office Action states (p. 2):

Regarding claim 1, line 8, claim 26, line 6, and claim 50, lines 12 and 16, the claim says that PAD sends identified messages to the external processor, while the PAD may identify packets and route identified packets, there is no disclosure of identifying a message at the PAD.

However, claim 1 recites, “wherein said packet header filter identifies messages received at one of the first and second network interfaces on which policy-based services are to be implemented and passes identified messages via a message interface to an external processor included in said network access system for implementation of the policy-based services by the external processor.” Claim 26 recites, “in response to receiving a series of packets at a first network interface of a programmable access device, filtering the series of packets at the programmable access device to identify messages upon which policy-based services are to be implemented; passing identified messages to an external processor included in the network access system for implementation of the policy-based services by the external processor.” Claim 50 recites, “wherein the first packet header filter identifies messages, received from the first network interface, on which policy-based services are to be implemented, wherein the first packet header filter passes the identified messages to the external processor via the message interface.”

Applicants respectfully point out that the specification at least states (*See, e.g., p. 13, lines 17-30, FIGs. 2, 3, emphasis added*):

Incoming packets received from customer router 34 at the external interface of PAD 40 are first processed by packet header filter 80, which distinguishes between various message types using any one or a combination of the protocol type, Source Address (SA), Destination Address (DA), Type Of Service (TOS), Diffserv Codepoint (DSCP), Source Port (SP), Destination Port (DP), and other fields of a packet (e.g., layer 4 and higher layer fields such as the SYN, ACK, RST, and FIN TCP flags) upon which packet header filter 80 is configured to filter. Importantly, in addition to filtering on layer-3 information, **packet header filter 80 has the ability to identify higher layer (i.e., layer 4-7) message types or specific fields and forward those messages from/to external processor 42 based on the configured filter parameters**. Thus, based upon its filter configuration and the fields of an incoming packet, packet header filter 80 directs the packet either to an external processor 42 via message interface 100 or to a specific marker/policer 82.

It is submitted that the field of networking is a highly predictable art. MPEP §2164.03 states that “The more that is known in the prior art about the nature of the invention, how to make, and how to use the invention, and the more predictable the art is, the less information needs to be explicitly stated in the specification.”

It is incumbent upon the Patent Office, whenever a rejection on this basis is made, to explain why it doubts the truth or accuracy of any statement in a supporting disclosure and to back up assertions of its own with acceptable evidence or reasoning which is inconsistent with the contested statement. Otherwise, there would be no need for the applicant to go to the trouble and expense of supporting his presumptively accurate disclosure. *In re Mazrocchi*, 439 F.2d 224, 169 USPQ 370 (CCPA 1971). Here, the Examiner merely concludes that “while the PAD may identify packets and route identified packets, there is no disclosure of identifying a message at the PAD,” without providing any reasoning as to why, much less reasoning showing why any inconsistencies exist. However, the Office Action fails to provide acceptable evidence or reasoning as to why the rejection is made, and Applicants have clearly pointed out how the terms are enabled by the specification.

Based on the foregoing, Applicants submit that the Office Action has not met its burden with respect to the enablement requirement. Namely, given the high predictability in the art of networking, claims 1-50 are enabled to one of ordinary skill in the art. Also, the Examiner’s statement, “while the PAD may identify packets and route identified packets, there is no disclosure of identifying a message at the PAD” is made without evidence or reasoning. Thus, the rejection of claims 1-50 under 35 USC § 112, first paragraph, as failing to comply with the enablement requirement should be withdrawn.

Regarding the rejection of claims 1-50 under 35 USC § 112, second paragraph, the Office Action states (p. 2, line 24 – p. 3, line 3, *emphasis added*):

In line 8 of claim 1, line 6 of claim 26, and lines 12 and 16 of claim 50, the claim states that the PAD passes an identified message. **The claim reads that it identifies packets not messages** and there is no indication that this message is the packet, part of the packet, or a message relating anything to an identified packet, it is unclear on what the message is and how it was identified.

However, claim 1 clearly recites, “wherein said packet header filter **identifies messages received at one of the first and second network interfaces on which policy-based services are to be implemented** and passes identified messages via a message interface to an external processor included in said network access system for implementation of the policy-based services by the external processor.” Claim 26 recites, “in response to receiving a series of packets at a first network interface of a programmable access device, filtering the series of packets at the programmable access device **to identify messages upon which policy-based services are to be implemented**; passing identified messages to an external processor included in the network access system for implementation of the policy-based services by the external processor.” Claim 50 recites, “wherein the first packet header filter **identifies messages, received from the first network interface, on which policy-based services are to be implemented**, wherein the first packet header filter passes the identified messages to the external processor via the message interface.” Therefore, for each of claims 1, 26, and 50, contrary to the Office Action’s assertion, it is very clear what is meant by the recited “identified messages.” Thus, the rejection of claims 1-50 under 35 USC § 112, second paragraph should be withdrawn.

With regard to the anticipation rejection of claims 1 and 26, Applicants respectfully submit that amended independent claim 1 now recites, “a control interface through which said packet header filter and said forwarding table are programmed” and amended independent claim 26 now recites, “programming said programmable access device through a control interface of said programmable access device.” In its rejection of claims 15 and 39 (now canceled), the Office Action (p. 4) contends that these features are disclosed by *Alles et al.* at Figure 4, elements 470

and 420, and col. 11: 63 – col. 12: 10. However, in its rejection of claims 1 and 26, the Office Action (pp. 3-4) contends that the “packet header filter” and “forwarding table” are disclosed by *Alles et al.* at col. 10: 36 and col. 10: 59-65. *Alles et al.* (per title), directed to a system and method for providing service policies to subscribers accessing the Internet, includes packet service cards 350 that are physically separated from ports 310 and 320 (col. 9: 53-55). Switch fabric 340 receives bits groups from access ports 310, and forwards the received bit groups to packet service cards 350. Different service policy types may be implemented in different packet service cards 350. Accordingly, each subscriber may be assigned to a packet service card providing the desired service policy types. (col. 10: 24-35) To determine the appropriate packet service card, switch fabric 340 may maintain a channel identifier associated with each channel on which the bit groups are received. (col. 10: 36-50) Packet service card 350 may process the received cells according to processing rules to provide the desired service policies to each specific subscriber. (col. 10: 57-59)

Thus, as best understood the Office Action equates the recited “external processor” with the packet service card 350 of *Alles et al.*, and equates the recited “packet header filter” with the channel identifier of the switch fabric 340 of *Alles et al.* However, at Figure 4, elements 470 and 420, and col. 11: 63 – col. 12: 10, *Alles et al.* shows that control logic 420 may configure processor group 450 to ensure processor 450 performs a desired operation. The user interface 470 translates service policies into processing rules and provides the processing rules to control logic 420. As the processor group 450 is described as specifically contained within the packet service card 350 (col. 11: 15-23), the Office Action’s construction would involve the external processor being programmed, and **not** the packet header filter as required by claim 1, or the programmable access device as required by claim 26. As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference, based on

the foregoing, it is clear that *Alles et al.* fails to anticipate independent claims 1 and 26 and their corresponding dependent claims. Thus, the anticipation rejection of claims 1-2, 4-10, 15-17, 22-27, 29-35, 39-41, and 46-49 should be withdrawn.

As regards the obviousness rejection of independent claim 50, which has been amended to recite, “a control interface through which said first packet header filter is programmed,” the combination of *Alles et al.* and *Amara et al.*, which is cited as supposedly teaching packet header filters for each interface port (Office Action, pp. 8-9), fails to cure the deficiencies of *Alles et al.* as discussed previously. Thus, the rejections of claims 3, 28, and 50 should be withdrawn.

With regard to the obviousness rejections of the remaining claims, Applicants respectfully submit that no combination of *Alles et al.*, *Gai et al.*, *Natarajan et al.*, or *Amara et al.* cures the deficiencies of *Alles et al.* as discussed previously. *Gai et al.* is cited as supposedly teaching a plurality of output buffers (Office Action, p. 7), and *Natarajan et al.* is cited as supposedly teaching a fault monitor (Office Action, p. 8). None of the cited references, alone or in any reasonable combination, discloses or suggest the recited features of the claims, as discussed previously.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

DITTHAVONG & CARLSON, P.C.

*November 3, 2005*

Date

*Margo Livesay*

Margo Livesay, Ph.D.  
Attorney/Agent for Applicant(s)  
Reg. No. 41,946

10507 Braddock Road  
Suite A  
Fairfax, VA 22032  
Tel. (703) 425-8508  
Fax. (703) 425-8518